

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD MERCALDO : CIVIL ACTION
VS. :
PAUL K. SMEAL, et al. : NO. 08-CV-282

ORDER

AND NOW, this 8th day of June, 2010 upon consideration of the pleadings and the record herein, and after review of the Report and Recommendation of M. Faith Angell, United States Magistrate and the numerous objections thereto filed by the Defendant, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The Petition for Writ of Habeas Corpus, filed pursuant to 28 U.S.C. §2254, is DENIED and DISMISSED without an Evidentiary Hearing.

There is no probable cause to issue a certificate of appealability.

BY THE COURT:

s/J. Curtis Joyner
J. CURTIS JOYNER, J.